IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21888 of 2004

Between:

T. Sunkanna, S/o. Ramanna,
9-5-11, Ramnagar, Gadwal, Mahaboobnagar District.

..... PETITIONER

AND

1 The District Collector, Mahaboobnagar District, Mahaboobnagar.
2 The Joint Collector, Mahaboobnagar.
3 The Revenue Divisional Officer, Gadwal, Mahaboobnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of MANDAMUS declaring the action of the 3rd respondent in cancelling the petitioner's authorisation to run F.P. Shop No. 8, Gadwal in Proceeding NO. G/1570/2004 dated 13-8-204 and confirmed by the 2nd respondent in Appeal No. CS2/768/2004 dated 30-8-2004 and rejecting the stay application pending disposal of the revision before the 1st respondent by Endorsement dated 6-10-2004 in CS1/903/2004 and the consequent notification dated 11-11-2004 in G/1570/2004 issued by the 3rd respondent calling for applications to appoint F.P. Shop dealer afresh to ward No. 8, Gadwal tonw, Mahabubnagar as illegal, arbitrary, unconstitutional and consequently direct the respondents to permit the petitioner to continue to run F.P. Shop No. 8, Gadwal town, Mahabubnagar District.

Counsel for the Petitioner:MR.C.B.RAM MOHAN REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner was appointed as a Fair Price Shop Dealer, way back in the year 1978. His authorization was cancelled by the 3rd respondent through proceedings, dated 13.08.2004. Aggrieved by the same, petitioner preferred an appeal to the 2nd respondent, and the appeal was also dismissed. Petitioner filed a revision before the 1st respondent-District Collector together with an application for grant of stay. The stay application is said to have been rejected by the 1st respondent. The grievance of the petitioner is that even while the revision is pending, 3rd respondent has initiated action for appointment of a dealer to the fair price shop on regular basis.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

On cancellation of the dealership, petitioner availed the remedy of appeal, and thereafter the revision. As on today, alternative arrangement has been made and the essential commodities are being supplied to the fair price shop through a different agency. The question as to whether the order passed by the 3rd respondent cancelling the dealership, deserves to be interfered in the revision, is to be considered by the 1st respondent. However, if a dealer is appointed on regular basis, in the place of the petitioner in the meanwhile, the very revision may become infructuous, or third party rights may accrue. The convenience of the Card Holders can certainly be ensured by making alternative arrangements or continuing the existing one's.

Hence, the writ petition is disposed of directing that the 3rd respondent shall not make any permanent appointment of dealership to the shop, in question, till disposal of the revision by the 1st respondent. It shall be open to him to continue the existing temporary arrangement, or to make any alternative arrangement, which is not permanent in nature. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 30th November, 2004

Note: Operative portion by

wire at party's cost.

(B/o.)

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To

1 The District Collector, Mahaboobnagar District, Mahaboobnagar.
2 The Joint Collector, Mahaboobnagar.
3 The Revenue Divisional Officer, Gadwal, Mahaboobnagar District.

4 2 CCS to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

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